

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID B. CORNEAL AND  
SANDRA Y. CORNEAL

vs.

JACKSON TOWNSHIP, et al.

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CASE NO. 1:00-CV-1192

(JUDGE RAMBO)

JURY TRIAL DEMANDED

**DEFENDANTS, JACKSON TOWNSHIP, W. THOMAS WILSON,  
MICHAEL YODER, RALPH WEILER, BARRY PARKS,  
DAVID VAN DOMMELEN AND ANN I. WIRTH'S  
MOTION FOR ENLARGMENT OF TIME PURSUANT TO  
LOCAL RULE OF CIVIL PROCEDURE 7.5**

**NOW COMES** Defendants, Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen and Ann I. Wirth by and through their authorized counsel of record, Mayers, Mennies & Sherr, LLP and moves for leave to file a Motion for Enlargement of Time Pursuant to Local Rule of Civil Procedure 7.5 and states as follows:

1. Pursuant to Court Order, Defendants, Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen and Ann I. Wirth filed a Motion for Summary Judgment ON April 1, 2003, pursuant to F.R.C.P. 56(c) on Plaintiffs' substantive due process and state law claims.

2. On April 1, 2003, Defendants simultaneously filed a Brief in Support of the Motion for Summary Judgment along with a Statement of Proposed Undisputed Material Facts.



3. On April 18, 2003, Plaintiffs filed a Brief in Opposition to Defendants' Motion for Summary Judgment. (See dockets attached hereto as Exhibit "1" for the above-captioned case, dated 4/25/03).

4. As of today, April 28, 2003, Defendants have not received a copy of Plaintiffs' Motion for Summary Judgment or Brief in support thereof.

5. Pursuant to Local Rule of Civil Procedure 7.7, Defendants' response would be due on or before May 5, 2003.

6. Since Defendants have not yet received a copy of Plaintiffs' Brief in Opposition, Defendants respectfully request that this Honorable Court grant their Motion for Enlargement of Time in which to file a Reply Brief.

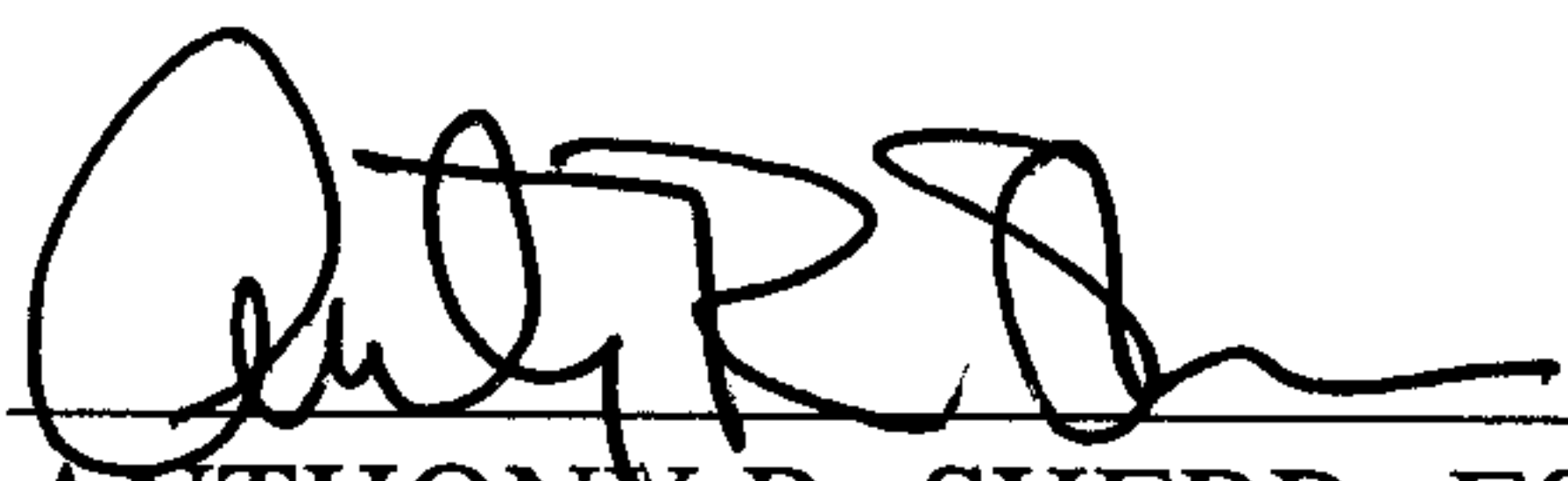
7. Defendants respectfully request that the time in which to respond begins to run from the date of actual receipt of the Plaintiffs' Brief in Opposition to Defendants' Motion for Summary Judgment.

8. Pursuant to Local Rule of Civil Procedure 7.5(a), a Brief in support of this pretrial motion is not required.

**WHEREFORE**, Defendants respectfully request that this Honorable Court grant their Motion for Enlargement of Time to respond to Plaintiffs' Brief in Opposition to Defendants' Motion for Summary Judgment.

Respectfully submitted,

**MAYERS, MENNIES & SHERR, LLP**

BY:   
\_\_\_\_\_  
ANTHONY R. SHERR, ESQUIRE  
Attorney for Defendants

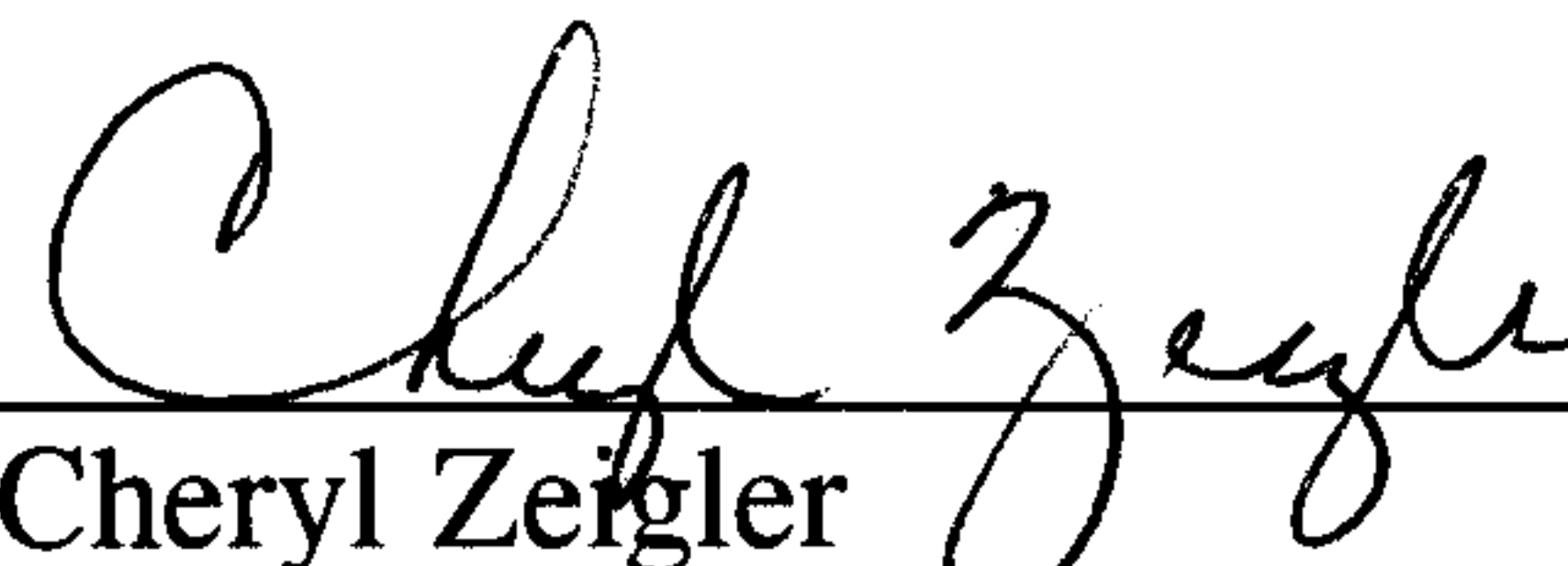
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## **CERTIFICATE OF SERVICE**

I, Cheryl Zeigler, hereby certify that on the 28<sup>th</sup> day of April 2003, a true and correct copy of Defendants, Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen and Ann I. Wirth's Motion for Enlargement of Time Pursuant to Local Rule of Civil Procedure 7.5, was served by first class regular mail, postage prepaid upon the following:

Bridget E. Montgomery, Esquire  
Adam M. Shienvold, Esquire  
Eckert, Seamans Cherin & Mellott  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101

BY:   
Cheryl Zeigler  
Legal Assistant to Anthony R. Sherr

**EXHIBIT “1”**

**U.S. District Court  
Middle District of Pennsylvania (Harrisburg)  
CIVIL DOCKET FOR CASE #: 1:00-cv-01192-SHR**

Corneal, et al v. Jackson Township, et al  
Assigned to: Judge Sylvia H. Rambo  
Referred to:  
Demand: \$0  
Lead Docket: None  
Related Cases: None  
Case in other court: None  
Cause: 42:1983 Civil Rights Act

Date Filed: 06/30/00  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**  
-----

**David B. Corneal**

represented by **Adam M. Shienvold**  
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**Charles M. Suhr**  
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**Sandra Y. Corneal**

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 (See above for address)  
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**Barbara A. Zemlock**  
 (See above for address)  
*TERMINATED: 02/05/2001*  
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**Bridget E. Montgomery**  
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**Charles M. Suhr**  
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**James J. Kutz**



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 ATTORNEY TO BE NOTICED

**Ronald M. Lucas**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

V.

**Defendant**  
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**Jackson Township, Huntingdon  
 County, Pennsylvania**

represented by **Anthony R. Sherr**  
 Mayers, Menneis & Sherr, LLP  
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 Suite 330, PO Box 1547  
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 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**W. Thomas Wilson, Individually and  
 in his Official Capacity as Supervisor  
 of Jackson Township**

represented by **Anthony R. Sherr**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Michael Yoder, Individually and in  
 his Official Capacity as Supervisor of  
 Jackson Township**

represented by **Anthony R. Sherr**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Ralph Weiler, Individually and in his  
 Official Capacity as Supervisor of  
 Jackson Township**

represented by **Anthony R. Sherr**  
 (See above for address)  
 LEAD ATTORNEY  
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**Michele J. Thorp**  
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 TERMINATED: 06/19/2002  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED



**Barry Parks, Individually and in his  
Official Capacity as Sewage  
Enforcement Officer of Jackson  
Township**

represented by **Anthony R. Sherr**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**David Van Dommelen, Individually  
and in his Official Capacity as  
Building Permit Officer**

represented by **Anthony R. Sherr**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Ann L. Wirth, Individually and in her  
Official Capacity as Secretary of  
Jackson Township**

represented by **Anthony R. Sherr**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Larry Newton, Individually and in his  
Official Capacity as Solicitor to  
Jackson Township**  
**TERMINATED: 03/29/2001**

represented by **Anthony R. Sherr**  
(See above for address)  
**TERMINATED: 03/29/2001**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Kathryn L. Simpson**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Filing Date</b>	<b>#</b>	<b>Docket Text</b>
06/30/2000	1	COMPLAINT - N/C to cnsl.; jury trial demanded; copy of docket sheet to Judge Rambo and Ct. Dpty. Receipt #: 131581 Amt: \$150.00 (jc) (Entered: 06/30/2000)
06/30/2000		SUMMONS ISSUED as to defendants. (jc) (Entered: 06/30/2000)



07/05/2000	2	LETTER from court re. case assignment and procedures. (cc: court, Kutz, Zemlock, Lucas) (ma) Modified on 07/06/2000 (Entered: 07/06/2000)
07/13/2000	3	RETURN OF SERVICE executed upon defendants 7/1/00 via personal service. (pc) (Entered: 07/14/2000)
07/18/2000	4	MOTION by defendant Larry Newton to extend time to answer pltf's complaint with cert of conc and c of s. (jc) (Entered: 07/19/2000)
07/19/2000	5	ORDER by Judge Sylvia H. Rambo, AND NOW, this 19th day of July, 2000, upon consideration of deft Larry Newton's mtn for enlargement of time, it is hereby ORDERED that the foregoing mtn is granted and that deft Newton is to respond to the complaint before 5pm on 8/1/00. [4-1] 8/1/00 for Larry Newton (cc: all counsel court) (pm) (Entered: 07/20/2000)
07/24/2000	6	MOTION by defendants to dismiss pltf's complaint purs to FRCP 12 (b)(6). ; Certconc/noncurr., C/S, Propo. (pm) (Entered: 07/25/2000)
07/28/2000	7	MOTION by defendant Larry Newton to dismiss the complaint ; with cert. of conc., c/s, and propo. (sc) (Entered: 07/31/2000)
07/31/2000	8	NOTICE from court re. the scheduling of a cmc for 9/14/00 @ 8:45 am. This conference is by phone with the call to be initiated by the parties. (cc: court, all counsel) (ma) (Entered: 08/01/2000)
08/03/2000	9	MEMORANDUM by Dfts Jackson Township, Wilson, Yoder, Weiler, Parks, Van Dommelen, & Wirth IN SUPPORT OF motion to dismiss pltf's complaint to FRCP 12(b)(6). [6-1]; with c/s. (sc) (Entered: 08/04/2000)
08/04/2000	10	ENTRY OF ATTORNEY APPEARANCE for defendants Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen, Ann L. Wirth by atty Anthony R. Sherr, Esquire (pm) (Entered: 08/07/2000)
08/10/2000	11	BRIEF by defendant Larry Newton IN SUPPORT of motion to dismiss the complaint [7-1]; C/S. (pm) (Entered: 08/11/2000)
08/10/2000	12	LETTER to J. Rambo dtd. 8/4/00 requesting scheduling conf scheduledl for 9/14/00 at 8:45am be continued. (pm) (Entered: 08/11/2000)
08/10/2000	13	ORDER by Judge Sylvia H. Rambo, IT IS HEREBY ORDERED THAT: Case Mgmt. Conf.is rescheduled to 8:45am on 9/20/0 for defts. (cc: all counsel court) (pm) (Entered: 08/11/2000)



08/17/2000	14	MOTION by plaintiffs to exceed page limitation of bropp to m. to dismiss. With cert of conc., c of s. and prop. order. (ma) (Entered: 08/18/2000)
08/18/2000	15	ORDER by Judge Sylvia H. Rambo granting pltf's motion to exceed page limitation of bropp to m. to dismiss. [14-1]; The bropp shall not exceed 25 pages. (cc: all counsel, court) (ma) (Entered: 08/18/2000)
08/21/2000	16	BRIEF by plaintiffs IN OPPOSITION to defts' motion to dismiss the complaint and c of s; [7-1] [6-1] reply brief due 9/5/00. (jc) (Entered: 08/22/2000)
08/28/2000	17	BRIEF by plaintiffs IN OPPOSITION to motion to dismiss the complaint [7-1]; reply brief due 9/11/00; with c/s. (sc) (Entered: 08/29/2000)
09/11/2000	18	REPLY BRIEF by defendant Larry Newton in support of motion to dismiss the complaint and c of s. [7-1] (jc) (Entered: 09/12/2000)
09/15/2000	19	CASE MANAGEMENT FORM returned by cnsl. (jc) (Entered: 09/19/2000)
09/20/2000	20	MINUTE SHEET of case mgmt. conf. held by Judge Sylvia H. Rambo . Time commenced 8:45am, time termed 8:55am; attys. Zemlock, Sherr and Ghiasaddin participate. CMO to issue. (cc: court, kfk, mja) (ma) (Entered: 09/20/2000)
09/20/2000	21	Case Management ORDER by Judge Sylvia H. Rambo; This case is placed on the June/2001 trial list. Cases on this list are sched'd to begin on 8/6/01 and will be preceded by jury selections at 9:30am; discovery cutoff is 4/16/01; a ptm is due by 7/27/01; a ptc is set for 1:30pm on 8/3/01; see order for other ddl's. This Case placed on the COMPLEX Case Mgmt. Track (cc: all counsel, court) (ma) Modified on 09/21/2000 (Entered: 09/21/2000)
11/07/2000	22	LETTER to Barbara Zemlock dtd. 11/3/00 from Mohammad A. Ghiasuddin of Mette, Evans & Woodside re: leaving this law firm and no longer working on this matter. (pm) (Entered: 11/08/2000)
11/16/2000	23	ORDER by Judge Sylvia H. Rambo; the case mgmt sched. is altered as follows ; J/S and trial set to begin at 9:30am on 8/13/01; PTC sched'd. for 11:00am on 7/26/01; PTM due by 7/19/01 (cc: all counsel, court) (ma) (Entered: 11/16/2000)
02/05/2001	24	SUBSTITUTION OF COUNSEL: terminating attorneys Barbara A. Zemlock and James J. Kutz for Sandra Y. Corneal and David B. Corneal and substituting Bridget E. Montgomery, Esquire and



		Charles M. Suhr, Esquire and c of s. (jc) (Entered: 02/06/2001)
02/13/2001	25	CONCURRED-in MOTION of all parties for an order staying outstanding deadline in ct's scheduling order in this matter pending issuance of the ct's decision on defts' mtns to dismiss. ; C/S, certconcurr., Propo. (pm) (Entered: 02/14/2001)
02/21/2001	26	ORDER by Judge Sylvia H. Rambo GRANTING concurred-in motion [25-1] for an order staying outstanding deadline in ct's scheduling order in this matter pending issuance of the ct's decision on defts' mtns to dismiss. (cc: all counsel, court) (ma) (Entered: 02/21/2001)
03/12/2001	27	ENTRY OF ATTORNEY APPEARANCE - for defendant Ralph Weiler by atty Michele J. Thorp (c/s) (am) (Entered: 03/12/2001)
03/29/2001	28	MEMORANDUM from court re. motions to dismiss [7-1] and [6-1]. (cc: all counsel, court) (ma) (Entered: 03/29/2001)
03/29/2001	29	ORDER by Judge Sylvia H. Rambo; Dft. Newton's motion to dismiss [7-1] is GRANTED; Other dfts' motion to dismiss [6-1] is GRANTED IN PART AND DENIED IN PART as follows: A) Ct. I is dismiss against all dfts only for alleged violations of the Constitution of the Cmnwlth of Pa. B) Ct. III is dismiss. against dft. Jackson Twnshp. C) Dfts' m. is denied in all other respects. Clerk of court shall removed Newton from the caption. terminating party Larry Newton (cc: all counsel, court) (ma) (Entered: 03/29/2001)
04/02/2001	30	ORDER by Judge Sylvia H. Rambo; The cmo is amended as follows ; J/S and trial set for 9:30am on 10/1/01; discovery completed by 6/15/01; The PTC is scheduled for 9:00am on 9/28/01; A PTM is due by 9/21/01 see order for other deadlines (cc: all counsel, court) (ma) (Entered: 04/03/2001)
04/12/2001	31	MOTION by plaintiffs for reconsideration of order dated 3/29/01 [29-2] ; with cert. of non-concurrence and c/s. (sc) Modified on 10/19/2001 (Entered: 04/13/2001)
04/25/2001	32	MINUTE SHEET of telephone conference re. discovery dispute. time commenced 4:00pm, time terminated 4:25pm. (cc: court, kfk) (ma) (Entered: 04/26/2001)
04/26/2001	33	ORDER by Judge Sylvia H. Rambo; Defendants shall respond to plaintiff's document request n/l/t 4/30/01; Briefing on plaintiff's 4/12/01 motion for reconsideration is stayed pending the scheduled depositions; Plaintiff may file an amended motion for reconsideration and supporting brief n/l/t 6/27/01; Defendants may respond to plaintiff's amended motion n/l/t 7/10/01; No reply brief permitted; The 6/29/01 deadline for disposition of motions is vacated and a



		new one to be set upon resolution of pltf's m. for recon.; All other case mgmnt ddls remain unaltered. (cc: all counsel, court) (ma) Modified on 10/19/2001 (Entered: 04/26/2001)
05/09/2001	34	NOTICE from court re. the rescheduling the PTC for 9/26/01 @ 9:00 am and the PTM ddl. to 9/19/01 (cc: all counsel, court)(ma) Modified on 05/24/2001 (Entered: 05/09/2001)
05/11/2001	35	MINUTE SHEET of teleconference re. discovery issues; time commenced 10:05am, time termed 10:15am; attys Montgomery, Sherr and Simpson participate. (cc: court, kfk) (ma) (Entered: 05/14/2001)
05/11/2001	36	ORDER by Judge Sylvia H. Rambo; Docs. ordered to be produced by dfts by 4/30/01 shall be produced by delivery or fax n/l/t 4pm on 5/11/01. Failure to coly will result in sanctions. Court will reserve decision on the issue of sequestration of witnesses. (cc: all counsel by fax and mail, court) (ma) (Entered: 05/14/2001)
05/15/2001	39	LETTER BRIEF to court from plaintiffs David B. Corneal, Sandra Y. Corneal. As agreed in conf call held 5/11/01, pltf's are submitting letter brief in support of request of pltf's for sequestration of each of dft witnesses from each other during their depositions. Pltf's request Court issue protective order. (vg) (Entered: 05/17/2001)
05/16/2001	37	MINUTE SHEET of teleconf. re. deposition dispute. Time commenced 10:25am, time termed 10:40am; attys Montgomery, and Scherr participate. (cc: court, kfk) (ma) (Entered: 05/16/2001)
05/16/2001	38	ORDER by Judge Sylvia H. Rambo; Sequestration of dfts during depos. is GRANTED; No person shall be present other than pty. being deposed, all cnsl and crtrptr; Dfts' cnsls may not inform any other dft in any form of the substance of the depo. of any other dft.; Dfts. shall not discuss their depo. tstmny with each other until completion of all dfts' depos. (cc: all counsel, court) (ma) (Entered: 05/16/2001)
05/16/2001	40	ORDER by Judge Sylvia H. Rambo that, paragraph 2 of court's 5/16/01 order shall be amended to read as follows: "No person shall be present other than pltf's, the party being deposed, all cnsl, and court reporter." (cc: all counsel court) (vg) (Entered: 05/17/2001)
06/05/2001	41	ORDER by Judge Sylvia H. Rambo ; disc ext. to 7/13/01 , ptm, ptc, j/s, j/t ddl's termed (cc: all counsel, court) (ma) (Entered: 06/06/2001)
06/05/2001	42	MINUTE SHEET of disc. teleconference. (cc: court, kfk) (ma) (Entered: 06/06/2001)



06/06/2001	43	MINUTE SHEET from teleconference re. disc. disp. Time commenced 2:45 pm, time termed 2:50 pm; attys Montgomery and Sherr participate. (cc: court, kfk) (ma) (Entered: 06/07/2001)
06/13/2001	44	MOTION by plaintiffs to quash subpoena for deposition and document production. ; C/S, Exh A, Propo. (pm) (Entered: 06/14/2001)
06/14/2001	45	ORDER by Judge Sylvia H. Rambo GRANTING pltfs' mtn to quash [44-1]; 1) the subpoena for the depo and doc. prod. directed to T. Williams is quashed. 2) Cnsl for dfts shall rspd to pltfs' mtn re. the depo of Williams by 6/20/01 addrsng the atty-client priv. and work product issues and informing the court what info. is sought from Williams. 3) n/l/t 12pm 6/14/01 cnsl for dfts shall inform pltfs' cnsl whether srvc has occurred upon the other 3 non-party wtenses in pltfs' mtn and in the event these 3 wtenses will not prsent themselves on 6/15/01, cnsl for dfts shall ascertain the avlblty of pltfs' cnsl before selecting a new date for the depos. (cc: all counsel by fax and mail, court) (ma) (Entered: 06/14/2001)
06/18/2001	46	ORDER by Judge Sylvia H. Rambo DENYING in PART and GRANTING in PART pltfs' mtn to quash [44-1]: 1) Depo. of T. Williams will be prmt'd only as to non-prvldgd info. 2) Only docs dponent need produce are docs that have ben disclosed to 3rd parties. 3) No mtns for sanctions and/or fees will be entertained. (cc: all counsel, court) (ma) (Entered: 06/18/2001)
06/18/2001	47	RESPONSE by Dfts. Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen, Ann Wirth; C/S; Propo. (vg) (Entered: 06/19/2001)
07/27/2001	48	AMENDED MOTION by plaintiffs for reconsideration of order as to state constitutional claims and deft Newton [29-2] with exhs. attached and c of s. (jc) (Entered: 07/31/2001)
07/27/2001	49	BRIEF by plaintiffs IN SUPPORT of motion for reconsideration of order as to state constitutional claims and deft Newton and c of s. [29-2] [48-1] (jc) (Entered: 07/31/2001)
07/30/2001	50	CERTIFICATE of NON-CONCURRENCE - by plaintiffs re: plfs.' amended mtn. for reconsideration filed 7/27/01. (c/s) (am) (Entered: 08/01/2001)
08/09/2001	51	RESPONSE by defendants to amended motion for reconsideration as to state constitutional claims and deft. Newton. C/S. w/proppo. (pc) (Entered: 08/10/2001)



08/10/2001	52	BRIEF by defendants IN OPPOSITION to motion for reconsideration of order as to state constitutional claims and deft Newton [29-2] [48-1] ;reply brief due 8/23/01. C/S & exhibits (pm) (Entered: 08/13/2001)
09/12/2001	53	MEMORANDUM from court re. Pltf's mtns for reconsideration [48-1] and [31-1] (cc: all counsel, court) (ma) (Entered: 09/12/2001)
09/12/2001	54	ORDER by Judge Sylvia H. Rambo, DENYING pltf's mtn for recon [48-1] of order [29-1]. DENYING pltf's mtn for recon [31-1] of order dtd 3/29/01 [29-2]. In so far as the mtn. alternatively request lv. to amd the cmp, the mtn is DEFERRED. (cc: all counsel, court) (ma) (Entered: 09/12/2001)
09/12/2001	55	ORDER by Judge Sylvia H. Rambo re. Pltfs' mtn for lv to file amd cmp [48-1]. Dfts are to show cause by 9/27/01 why the court should not grant pltfs leave to amd their cmp. (cc: all counsel, court) (ma) (Entered: 09/12/2001)
09/27/2001	56	MEMORANDUM by defts Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen, Ann L. Wirth in opposition to pltfs' mtn to amd complt. C/S, Propo (pm) (Entered: 09/28/2001)
10/15/2001	57	RESPONSE by plaintiffs to defts' memo of law regarding whether pltfs may amd complt., with req for status conf call. C/S (pm) (Entered: 10/16/2001)
10/17/2001	58	RESPONSE by defendant Larry Newton to pltfs' mtn for leave to amd complt; C/S. (vg) (Entered: 10/18/2001)
10/18/2001	59	ORDER by Judge Sylvia H. Rambo GRANTING pltfs' mtn for lv. to amd its cmp. [48-1] (cc: all counsel, court) (ma) (Entered: 10/19/2001)
11/06/2001	60	AMENDED complaint [1-1]; answer due 11/19/01 for Ann L. Wirth, for David Van Dommelen, for Barry Parks, for Ralph Weiler, for Michael Yoder, for W. Thomas Wilson, for Jackson Township, with c of s. (mc) (Entered: 11/07/2001)
03/27/2002	<u>61</u>	MOTION by Dfts, Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen, Ann L. Wirth for leave to file br in excess of page limitation of LR 7.8 ; C/S; Cert. of Conc./Non-Conc.; Propo. (vg) (Entered: 03/29/2002)
04/02/2002	<u>62</u>	ORDER by Judge Sylvia H. Rambo GRANTING dfts' mtn for lv to file br in excess of pg limit [61-1]. Brf not to exceed 30 pgs. (cc: all



		counsel, court) (ma) (Entered: 04/02/2002)
05/23/2002	<u>63</u>	MOTION by defendants for summary judgment pursuant to FRCP 56 (c) ; with c/s and propo. (sc) (Entered: 05/24/2002)
05/23/2002	<u>64</u>	STATEMENT OF MATERIAL FACTS by dfts IN SUPPORT of motion for summary judgment pursuant to FRCP 56(c) [63-1]; with c/s. (sc) (Entered: 05/24/2002)
06/07/2002	<u>65</u>	MEMORANDUM by defendants IN SUPPORT OF motion for summary judgment pursuant to FRCP 56(c) [63-1]; C/S (pm) (Entered: 06/10/2002)
06/07/2002	<u>66</u>	APPENDIX I of exhibits 1-5 filed by defendants in support of mtn for sumjgm. [65-1] (pm) (Entered: 06/10/2002)
06/07/2002	<u>67</u>	APPENDIX II of exhibits 6-26 filed by defendants in support of motion for summary judgment [63-1] (pm) (Entered: 06/10/2002)
06/19/2002	<u>68</u>	WITHDRAWAL OF APPEARANCE by Michele J. Thorp, Esq., as co-cnsl for dft, Ralph Weiler. Anthony R. Sherr, Esq., will continue to represent dft Ralph Weiler. C/S. (vg) (Entered: 06/20/2002)
06/20/2002	<u>69</u>	MOTION by plaintiffs for leave to file combined br in supp of s/j and br in opp to dfts' mtn for s/j and mtn to enlarge pagination ; C/S; Cert. of Conc.; Cert. of Conc./Non-Conc.; Propo. (vg) (Entered: 06/21/2002)
06/24/2002	<u>70</u>	MOTION by pltfs for summary judgment ; with cert. of non-conc. and c/s. (sc) (Entered: 06/25/2002)
06/24/2002	<u>71</u>	BRIEF by pltfs IN SUPPORT of mtn for sumjgm/and IN OPP to dfts mtn for sumjgm [70-1]; with c/s. (sc) (Entered: 06/25/2002)
06/24/2002	<u>71</u>	BRIEF by pltfs IN OPPOSITION to mtn for s/j [63-1] and IN SUPPORT of their mtn for s/j; rply brief due 7/8/02; with c/s. (sc) (Entered: 06/25/2002)
06/24/2002	<u>72</u>	CONSOLIDATED STATEMENT OF UNDISPUTED MATERIAL FACTS by pltfs in support of motion for summary judgment [70-1] and in opposition to dfts' motion for summary judgment [63-1]; with c/s. (sc) (Entered: 06/25/2002)
06/24/2002	<u>73</u>	APPENDIX OF EXHIBITS by pltfs IN SUPPORT of their motion for summary judgment [70-1]; with c/s. (sc) (Entered: 06/25/2002)



06/25/2002	<u>74</u>	ORDER by Judge Sylvia H. Rambo GRANTING mtn for lvf combined brsupp of their s/j, bropp to dfts' mtn for s/j and to enlarge pagination [69-1]. Brf not to exceed 50 pgs (cc: all counsel court) (ma) (Entered: 06/27/2002)
07/12/2002	<u>75</u>	MEMORANDUM by defendants in opposition to pltfs brief in support of mtn for summary judgment. [71-1]; c/s (pm) (Entered: 07/15/2002)
07/12/2002	<u>75</u>	REPLY BRIEF by defendants in support of motion for summary judgment pursuant to FRCP 56(c) [63-1];c/s (pm) (Entered: 07/15/2002)
07/12/2002	<u>76</u>	CONCISE STATEMENT OF MATERIAL FACTS by defendants in response to consolidated statement of undisputed material facts filed by pltfs. [72-1]; c/s (pm) (Entered: 07/15/2002)
07/12/2002	<u>77</u>	CONCISE STATEMENT OF ADMITTED FACTS by defendants under local rule of civil procedure 56.1 [63-1]; c/s (pm) (Entered: 07/15/2002)
07/29/2002	<u>78</u>	MOTION by plaintiffs for leave to file answer to dfts' stmt of material facts nunc pro tunc and response to dfts' "Statement of Admitted Facts" ; C/S; Exhibit A; Propo. (vg) (Entered: 07/30/2002)
07/29/2002	<u>79</u>	REPLY BRIEF by plaintiffs in support of motion for summary judgment [70-1]; C/S. (vg) (Entered: 07/30/2002)
07/29/2002	<u>79</u>	BRIEF by plaintiffs IN OPPOSITION to motion for summary judgment pursuant to FRCP 56(c) [63-1]; C/S. (vg) (Entered: 07/30/2002)
07/31/2002	<u>80</u>	ORDER by Judge Sylvia H. Rambo GRANTING pltfs' mtn for lvf an ans [78-1] to dfts' stmt of material facts [77-1] nunc pro tunc Ans due by 8/15/02 (cc: all counsel, court) (ma) (Entered: 07/31/2002)
08/09/2002	<u>81</u>	RESPONSE (captioned "Answer") by plaintiffs to dfts' stmt of material facts in support of their mtn for s/j; C/S. (vg) (Entered: 08/12/2002)
08/15/2002	<u>82</u>	ORDER by Judge Sylvia H. Rambo IT IS ORDERED THAT the captioned case is transferred to the Hon. Christopher C. Conner, U.S. District Judge. Any case management orders previously issued in this case remain in effect unless otherwise ordered by Judge Conner. Case reassigned to Judge Christopher C. Conner (cc: all counsel, Ct. & J. Conner) (jc) (Entered: 08/15/2002)



08/20/2002	<u>83</u>	ORDER by Judge Christopher C. Conner - IT IS HEREBY ORDERED that the undersigned judge is recused from the captioned action. The Clerk of Court shall reassign the case to the Honorable Sylvia H. Rambo. Case reassigned to Judge Sylvia H. Rambo (cc: cnsl, J. Rambo, J. Conner) (sc) (Entered: 08/20/2002)
12/23/2002	<u>84</u>	MEMORANDUM by Judge Sylvia H. Rambo re. cross mtns for s/j. (cc: all counsel, court) (ma) (Entered: 12/23/2002)
12/23/2002	<u>85</u>	ORDER by Judge Sylvia H. Rambo DENYING pltfs' mtn for s/j [70-1]; Dfts' mtn for s/j [63-1] is GRANTED IN PART AND DENIED IN PART as flws: GRANTED as to procedural due process claim; DENIED as to substantive due process claim; GRANTED IN PART on count 2 as it relates to dft Jackson Twnshp and DENIED in all other respects on count 2; GRANTED on count 3; GRANTED on count4 w/regard to procedural due process claims and DENIED w/regard to the substantive due process claim on count 4. (cc: all counsel, court) (ma) (Entered: 12/23/2002)
12/30/2002	<u>86</u>	ORDER by Judge Sylvia H. Rambo: Case mgmnt ddls are altered as flws: j/s and trial to begin on 4/7/03 @ 9:30 am; PTC set for 11:00 am on 3/28/03; PTM due by 3/21/03 ; mtns in lim/brsup due by 2/21/03, bropps 3/3/03; rplybr due by 3/7/03. (cc: all counsel, court) (ma) (Entered: 01/02/2003)
01/03/2003	<u>87</u>	ORDER by Judge Sylvia H. Rambo: IT IS ORDERED THAT the pretrial conf is rescheduled from 3/28/03 to Thursday, March 27, 2003 at 11:00 a.m. All other deadlines remain unaltered. Pretrial conf rescheduled to 11:00 am on 3/27/03 (cc: all counsel court) (rb) (Entered: 01/03/2003)
01/08/2003	<u>88</u>	MOTION by plaintiffs David B. Corneal, Sandra Y. Corneal for reconsideration of order [85-1] ; Cert. of Conc./Non-Conc.; C/S. (vg) (Entered: 01/09/2003)
01/17/2003	<u>89</u>	MOTION by pltfs to exttm to file brsup of their mtn for reconsideration With cert of non-conc, c of s. and prop. order. (ma) (Entered: 01/17/2003)
01/17/2003	<u>90</u>	ORDER by Judge Sylvia H. Rambo GRANTING pltfs' mtn to exttm [88-1] to file brsup of their mtn for reconsideration [89-1] Brsup due n/l/t 1/30/03 (cc: all counsel, court) (ma) (Entered: 01/17/2003)
01/30/2003	<u>91</u>	BRIEF by pltf IN SUPPORT of mtn for reconsideration of order [85-1] [88-1]; with exh and c/s. (sc) (Entered: 01/31/2003)
02/14/2003	<u>92</u>	MOTION by dfts for reconsideration of order dtd 12/23/02 [85-1] ;



		with exh., cert. of non-conc., c/s and propo. (sc) (Entered: 02/18/2003)
02/14/2003	<u>93</u>	MEMORANDUM by dft IN OPPOSITION to mtn for reconsideration of order [85-1] [88-1]; rplybr due 2/27/03; with c/s att'd to doc #92 (mtn). (sc) (Entered: 02/18/2003)
02/14/2003	<u>93</u>	BRIEF by dfts IN SUPPORT of their mtn for reconsideration of order dtd 12/23/02 (and In Opp to pltf's mtn for reconsideration)[85-1] [92-1]; with c/s att'd to doc #92 (mtn). (sc) (Entered: 02/18/2003)
02/20/2003	<u>94</u>	MOTION by Dfts Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen, Ann L. Wirth for leave to file ans to pltfs' amd complt nunc pro tunc ; C/S; Cert. of Conc./Non-Conc.; Propo. (vg) (Entered: 02/21/2003)
02/20/2003		PROPOSED Ans to Amd Complt submitted by Dfts Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen, Ann L. Wirth (vg) (Entered: 02/21/2003)
02/21/2003	<u>95</u>	MOTION with BRIEF IN SUPPORT by defts Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen in limine-to preclude admissibility of specific testimony and reports of pltfs experts G. Fasic and A. Heist ; c/s, certconcurr/noncurr. (pm) (Entered: 02/24/2003)
03/03/2003	<u>96</u>	BRIEF IN OPPOSITION re <u>95</u> Motion in Limine filed by pltfs David B. Corneal, Sandra Y. Corneal; C/S Reply Brief due by 3/20/2003. (vg, ) (Entered: 03/06/2003)
03/03/2003	<u>97</u>	MOTION to Strike <u>92</u> Motion for Reconsideration by pltfs David B. Corneal, Sandra Y. Corneal; Cert of Conc/Non-Conc; C/S; Propo (vg, ) (Entered: 03/06/2003)
03/03/2003	<u>98</u>	BRIEF IN SUPPORT re <u>97</u> MOTION to Strike <u>92</u> Motion for Reconsideration filed by pltfs David B. Corneal, Sandra Y. Corneal. Brief in Opposition due by 3/21/2003 (vg, ) (Entered: 03/07/2003)
03/03/2003	<u>99</u>	BRIEF IN OPPOSITION re <u>92</u> Motion for Reconsideration filed by pltfs David B. Corneal, Sandra Y. Corneal; C/S Reply Brief due by 3/20/2003. (vg, ) (Entered: 03/07/2003)
03/12/2003	<u>100</u>	ORDER 1) Jury selection remains scheduled for 9:30 a.m. on Monday, April 7,2003, in Courtroom No. 3, Eighth Floor, Federal Building, Third and Walnut Streets,Harrisburg, Pennsylvania.2) Trial will commence at 9:30 a.m. on Tuesday, April 15, 2003 and



		shall conclude no later than April 23, 2003. Signed by Judge Sylvia H. Rambo on 03/12/03. (ma, ) (Entered: 03/12/2003)
03/13/2003	<u>102</u>	RESPONSE in Opposition re <u>97</u> MOTION to Strike <u>92</u> Motion for Reconsideration filed by dfts David Van Dommelen, Jackson Township, Barry Parks, Ralph Weiler, W. Thomas Wilson, Ann L. Wirth, Michael Yoder. (vg, ) (Entered: 03/17/2003)
03/13/2003	<u>103</u>	BRIEF IN OPPOSITION re <u>97</u> MOTION to Strike <u>92</u> Motion for Reconsideration filed by dfts David Van Dommelen, Jackson Township, Barry Parks, Ralph Weiler, W. Thomas Wilson, Ann L. Wirth, Michael Yoder; C/S Reply Brief due by 3/31/2003. (Attachments: # <u>1</u> )(vg, ) (Entered: 03/17/2003)
03/13/2003	<u>104</u>	RESPONSE in Support re <u>92</u> Motion for Reconsideration filed by dfts David Van Dommelen, Jackson Township, Barry Parks, Ralph Weiler, W. Thomas Wilson, Ann L. Wirth, Michael Yoder. (vg, ) (Entered: 03/17/2003)
03/13/2003	<u>105</u>	REPLY BRIEF re <u>92</u> Motion for Reconsideration filed by dfts David Van Dommelen, Jackson Township, Barry Parks, Ralph Weiler, W. Thomas Wilson, Ann L. Wirth, Michael Yoder; C/S (vg, ) (Entered: 03/17/2003)
03/14/2003	<u>101</u>	ORDER deeming dfts' Motion for LvF an answer to the amdd cmplt nunc pro tunc. <u>94</u> WITHDRAWN Signed by Judge Sylvia H. Rambo on 03/14/03 (ma, ) (Entered: 03/14/2003)
03/18/2003	<u>106</u>	ORDER: (1) The portion of the court's order of 12/23/02 which denied Dfts' mtn for s/j is VACATED; (2) n/l/t 4/1/03, Pltfs shall file a renewed mtn for s/j re Pltfs' substantive due process claim and Pltfs' state law claims in Counts II and IV; (3) The court reserves its ruling with regard to Dfts' mtn in limine and Pltfs' mtn for reconsideration; (4) Pltfs' mtn to compel compliance with pretrial procedures and Dfts' mtn for reconsideration are DEEMED MOOT; (5) The ptcis CANCELED; and (6) J/S is CANCELED. Signed by Judge Sylvia H. Rambo on 03/18/03. (ma, ) (Entered: 03/18/2003)
03/18/2003	<u>108</u>	MOTION to Compel Compliance with Pre-Trial Procedures filed by pltfs David B. Corneal & Sandra Y. Corneal. (Attachments: # <u>1</u> Proposed Order)(sc) (Entered: 03/19/2003)
03/18/2003	<u>109</u>	EXHIBITS to Pltf's Mtn to Compel Compliance filed by pltfs David B. Corneal & Sandra Y. Corneal. Related document: <u>108</u> MOTION to Compel filed by David B. Corneal, Sandra Y. Corneal.(sc ) (Entered: 03/19/2003)



03/18/2003	<u>110</u>	MOTION with BRIEF IN SUPPORT for Leave to File ans to pltfs' amd complt by dfts David Van Dommelen, Jackson Township, Barry Parks, Ralph Weiler, W. Thomas Wilson, Ann L. Wirth, Michael Yoder; proposed amd complt attached (Attachments: # <u>1</u> Part 2# <u>2</u> Propo)(vg, ) (Entered: 03/20/2003)
03/19/2003	<u>107</u>	ORDER re Court's order of 3/18/03 <u>106</u> : IT IS HEREBY ORDERED THAT this court?s order dated 3/18/03, is amnd'd at #d pgph 2, on pg 3, to read:(2) No later than April 1, 2003, Defendants shall filea renewed motion for summary judgments regardingPlaintiffs? substantive due process claim and Plaintiffs?state law claims in Counts II and IV.In all other respects, the order remains unchanged. Signed by Judge Sylvia H. Rambo on 03/19/03. (ma, ) (Entered: 03/19/2003)
04/01/2003	<u>111</u>	MOTION for Summary Judgment pursuant to FRCP 56(c) on pltfs' substantive due process and state law claims by dfts David Van Dommelen, Jackson Township, Barry Parks, Ralph Weiler, W. Thomas Wilson, Ann L. Wirth, Michael Yoder. (Attachments: # <u>1</u> Cert of Conc/Non-Conc# <u>2</u> Propo)(vg, ) (Entered: 04/02/2003)
04/01/2003	<u>112</u>	BRIEF IN SUPPORT re <u>111</u> MOTION for Summary Judgment filed by dfts David Van Dommelen, Jackson Township, Barry Parks, Ralph Weiler, W. Thomas Wilson, Ann L. Wirth, Michael Yoder. Brief in Opposition due by 4/21/2003 (vg, ) (Entered: 04/02/2003)
04/01/2003	<u>113</u>	STATEMENT OF MATERIAL FACTS re <u>111</u> MOTION for Summary Judgment filed by dfts David Van Dommelen, Jackson Township, Barry Parks, Ralph Weiler, W. Thomas Wilson, Ann L. Wirth, Michael Yoder. (vg, ) (Entered: 04/02/2003)
04/01/2003	<u>114</u>	APPENDIX OF EXHIBITS 1 through 32 by dfts David Van Dommelen, Jackson Township, Barry Parks, Ralph Weiler, W. Thomas Wilson, Ann L. Wirth, Michael Yoder, in support of <u>111</u> MOTION for Summary Judgment. (voluminous - not scanned) (vg, ) (Entered: 04/02/2003)
04/14/2003	<u>115</u>	Praeipce to Substitute, by dfts, original Affidavits of Ann I. Wirth and W. Thomas Wilson for copies attached to dfts' appendix in support of their mtn for sum jgm as Exhibit "2", which was filed on 4/1/2003; Afdt of Ann I. Wirth; Afdt of W. Thomas Wilson; C/S (vg, ) (Entered: 04/15/2003)
04/14/2003	<u>116</u>	MOTION for Extension of Time, nunc pro tunc, to file br in response to dfts' mtn for leave to file ans by pltfs David B. Corneal, Sandra Y. Corneal; C/S (Attachments: # <u>1</u> Cert of Conc/Non-Conc# <u>2</u> Propo# <u>3</u> Proposed Brief# <u>4</u> Proposed Appendix of Exh(s) to Br)(vg, ) (Entered: 04/15/2003)



04/18/2003	<u>117</u>	RESPONSE (captioned, "Answer") by pltfs David B. Corneal, Sandra Y. Corneal to <u>113</u> Statement of Facts, <u>111</u> MOTION for Summary Judgment; C/S (vg, ) (Entered: 04/22/2003)
04/18/2003	<u>118</u>	BRIEF IN OPPOSITION re <u>111</u> MOTION for Summary Judgment filed by pltfs David B. Corneal, Sandra Y. Corneal; C/S Reply Brief due by 5/5/2003. (vg, ) (Entered: 04/22/2003)
04/18/2003	<u>119</u>	APPENDIX OF EXHIBITS by pltfs David B. Corneal, Sandra Y. Corneal re: pltf's mtn for summary judgment (Attachments: # <u>1</u> Main Document (2) Main Document)(vg, ) (Entered: 04/22/2003)
04/18/2003	<u>120</u>	APPENDIX OF EXHIBITS by pltfs David B. Corneal, Sandra Y. Corneal - Volume No. 2; C/S (Attachments: # <u>1</u> Main Document# <u>2</u> Main Document)(vg, ) (Entered: 04/22/2003)
04/18/2003	<u>121</u>	APPENDIX OF EXHIBITS by pltfs David B. Corneal, Sandra Y. Corneal - Volume No. 3; C/S Note that Exhibit No. 21, Revised Subdivision Plan, Dated April 7, 2000, not completely scanned as it is a large map (Attachments: # <u>1</u> Main Document)(vg, ) (Entered: 04/22/2003)

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